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PATENT
Customer No. 22,852
Attorney Docket No. 04329.2484-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Masahiro Tada et al.)	Group Art Unit: 2115
)	
Application No.: 09/746,222)	Examiner: Cao, Chun
)	
Filed: December 26, 2000)	
)	Confirmation No.: 1143
For: INFORMATION PROCESSING)	
APPARATUS AND OPERATING)	
STATE CONTROL METHOD)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement mailed June 21, 2004, having a period for response extending through July 21, 2004, the Examiner required restriction under 35 U.S.C. § 121 between Group I (claims 1-2 and 10-12), Group II (claims 4-6 and 13-15), and Group III (claims 7-9 and 16-18). Applicants provisionally elect, with traverse, to prosecute Group II, claims 4-6 and 13-15, characterized by the Examiner as drawn to "detecting a field strength for controlling a specific program in an information processing apparatus"

Applicants traverse the Examiner's contention that the above-mentioned groups are distinct subcombinations. To show distinctness, the Examiner must show that one of the subcombinations has utility other than in the disclosed combination. The Examiner asserts that Group I "has separate utility such as [setting] . . . a power save state for an information processing apparatus" (Office Action, page 2). Applicants disagree.

Each of independent claims 1, 4, 7, 10, 13, and 16 recites "detecting a field strength." Independent claims 1 and 10 recite setting a power save state when the detected field strength

lowers to a predetermined level, claims 4 and 13 recite controlling a program based on the detected field strength; and claims 7 and 16 recite executing logoff processing when the detected field strength lowers to a predetermined level. Accordingly, each of the independent claims recite the related feature of "detecting a field strength" for appropriately controlling operating states, including controlling a program. That independent claims 1 and 10 recite setting a power save state does not make these claims distinct for purposes of a restriction. Instead, Applicants' claims are not distinct, but rather vary in scope within a single invention. As such, claims 1-18 should all be examined as part of the same application.

For the foregoing reasons, Applicants respectfully request that the Examiner withdraw the restriction of claims 1-18 as set forth in the Office Action dated June 21, 2004, and continue the examination of these claims as a single invention.


Applicants submit that this Election and traversal "specifically points out the . . . errors in the examiner's" restriction requirement. See M.P.E.P. § 818.03(a). Applicants further submit that nothing herein shall be construed as an admission that the claims are not patentably distinct.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 14, 2004

By: 
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